

REMARKS

Claims 2 to 21, 23 to 34, and 36 to 45 remain pending without amendment.

Claim rejections under 35 U.S.C. § 103(a)**Over Scarne's New Complete Guide to Gambling**

The Applicant submits that the claimed invention according to claim 41 would not have been obvious in view of Scarne's New Complete Guide to Gambling (hereinafter called Scarne) on the following grounds:

Scarne does not describe all of the elements claimed in claim 41 and the elements not described are not obvious to one having ordinary skill in the art at the time the invention was made.

Hereinafter is provided a table which compares the claimed elements and what is described or taught by Scarne:

Claim 41 elements	Scarne equivalent of these elements	Comments on comparison
A method of providing a participation game among a plurality of players	The Treasure Tickets game described	Yes
receiving from at least one of said players a play request to participate in said participation game	The players of the Treasure tickets game place a request to a ticket selling agent	Yes
associating a game card to said play request	The agent sells a ticket to the player/buyer	Yes
associating a <u>current</u> draw result comprising at least two numbers to said play request;	In the Treasure tickets game, the draw value is used to resolve the ticket value is the last five digits of the U.S. Treasury balance daily published in newspapers.	No. There is no current draw to associate with the tickets. There are dates associated with tickets, with the U.S. Treasury balance value on these dates being used as draw values. Thus, there are five non-current (<u>future</u>)

		draws associated with the play request.
establishing a play outcome for said play request, based on comparison of said current draw result and said game card	The value of the ticket sold (the five digits printed on the tickets) is compared daily to the last five digits of the U.S. Treasury balance (draw value) to evaluate if the player wins a prize.	No, only later in the process during the week. At the time of the ticket sale, no play outcome may be performed since no "current draw" exists. Later during the week, it becomes possible to compare the ticket value to a current or past draw value, but requires cheating as explained on pp. 159-160 of Scame. The ticket digits are made to be sealed to prevent anyone from seeing them before buying the ticket.
determining whether a game ending state is achieved based on said comparison	The game ending state only happens on weekends, since it is the criteria used to determine when no more action may take place (no more selling of last week's tickets, no action corresponding to the draw values, no outcome determination, only the player identifying the outcome). Moreover, according to Scame, "[i]f you missed seeing what the winning number was in the papers, a Treasury result sheet listing the winning numbers was available the following week."	No. What defines the game ending state? According to the Office Action on page 3, it is "when the player's numbers match the last five digits of the U.S. Treasury balance". This is not a game ending state; the game carries on for 5 days regardless of whether or not one or more ticket value matches the draw value on one day. The player's tickets remains available to win another prize during the week. It does not prevent another player from winning. It does not prevent another

		Treasury balance value from being published the next day (i.e., the same game), though potentially establishing one or more additional winning tickets. Hence, Scarne does not teach a game ending state that is achieved based on said comparison.
if said game ending state is achieved, ending said participation game for all of said plurality of players by preventing association of said current draw result with a further play request	In Scarne, the game ending state is at the end of the week and the game ends for all players since no more tickets are sold. However, during the week, when a match occurs between the ticket number and the Treasury balance value, there is no game ending state since the same game continues the next day. As stated above, a ticket being a winning ticket does not prevent another one to win the next day. Also, the same ticket can be used to win the next day.	No, not with an ending state based on comparison of the draw result and the game card as is claimed.
if said game ending state is not achieved, maintaining said current draw result in its current form thereby having said current draw result remaining composed of a constant amount of said numbers, and associating	The game is played for a fixed duration, a week. No comparison with a game ending state other than time-based criteria prevents or allows continuation of the game. Contrary to the statement in the OA, the	No

said current draw result with a further play request	current draw result of Scarne changes every day regardless of the fact that there is or not a winning ticket. The current draw result is not the player's 5 digit number as stated in the OA.	
wherein all of said play outcomes are based on said current draw result	The draw result, distinct from the players' cards, must be the daily available U.S. Treasury balances. The play outcomes are not based on a unique draw result. Since there are five days in a week, there are five draw results. Which one is the current one?	No. Ticket outcomes are based on US Treasury balances published during the week. No one draw is more current than the other. If one is current, it is on the day it is published. If so, Scarne does not say anywhere that a player winning a prize with a particular day Treasure balance value <u>must</u> "fix" this outcome during the time the draw result is <u>current</u> .
wherein said play request resulting in said game ending state being achieved establishes a winning player of said participation game.	<p>As stated above,</p> <ul style="list-style-type: none"> a) the player buying a card is the play request resulting in the player being assigned a ticket, a game card ; and b) the end of the week is the game ending criteria. <p>Does the last player buying a ticket wins anything? Is that player the winner of the game? According to the</p>	No. The game ending state and the player winning the game are not associated in any identified way.

	<p>claim language, the only player that can win is the last one to buy a game card, since either the game ends or the current draw result is available for the next player to buy a game card. Scame is silent on anything that could relate to that. Moreover, it is contrary to the way of playing the Treasury Tickets game Scame describes. Scame describes a game wherein tickets are sold with concealed numbers, draws are performed daily for the whole week, and wherein winning tickets are identified throughout the whole week and even after.</p>	
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In relation with the statement on page 4 of the Office Action stating that "Scame discloses the claimed invention except for ending said participation game for all of said plurality of players by preventing association of said current draw result with further play request" and that "it would have been obvious [...] to create an electronic version of the game using a plurality of players **that ends when a winner is selected...** " (emphasis added), the Applicant submits that an electronic version of Scame's game would not result in the claimed invention. The Examiner is adding or designing in the "that ends when a winner is selected" portion of his statement. The "that ends when a winner is selected" portion is not found in the cited prior art and the person skilled in the art would have to add it on top of designing an electronic version of Scame's game. Therefore, the Examiner's statement that

"broadly proving a mechanical or automatic means to replace manual activity which has **accomplished the same result**" is not applicable since it is **not** the same result. It may be obvious for a person of the technical field to create an electronic version of a well-known process, but not of an unknown process. Up until now, there is no prior art document that has provided the combination of having 1- a game process with the game ending with one player winning the game, and 2- a game process wherein the sale of cards (to use the example in the Office Action) ends with the determination of the win or of a winner.

For these reasons, the Applicant respectfully believes the rejection of claim 41 under 35 U.S.C. §103(a) should be withdrawn.

Concerning claim 45, the Applicant believes that the above arguments also apply, particularly regarding the ending game restriction present in the claim. Claim 45 also includes the claim limitation of ending the game play for the player regardless of whether or not the game ending state is achieved. It is the Applicant's opinion that Scarne does not provide a way to end the play of a player independently of (regardless of whether or not) the evaluation of the game ending state evaluation. As state in the table above, no clear meaning of the game ending state may be extracted from Scarne that may relate to what is claimed.

Concerning claim 44, the above arguments of requiring a good understanding of a method to a person skilled in the field to create an electronic version remain valid.

Accordingly, the Applicant respectfully submits that claims 41, 44 and 45 would not have been obvious in regards with Scarne, and thus the claims should be allowed.

The Applicant submits that all other claims rejected or otherwise allowable herein not discussed, are dependent upon claims deemed allowable by the Applicant or are deemed allowable by the Applicant according to the same arguments as discussed claims and thus should also be found allowable.

It is therefore submitted that the whole set of claims herein provided is in condition for allowance. Reconsideration of the Office Action's rejections is respectfully requested. Allowance of claims 2 to 21, 23 to 34, and 36 to 45 at an early date is solicited.

In the event that there are any questions concerning this Response to an Office Action or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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